

CEMETERY AND FUNERAL BUREAU
ADDENDUM TO FINAL STATEMENT OF REASONS

October 31, 2003

Hearing Date: August 25, 2003

Subject Matter of Proposed Regulations: Cemetery and Crematory Manager
Licensing Categories

Sections Affected: Title 16, California Code of Regulations, Division 23, Sections 2317, 2317.1, 2317.2, 2326.5 & 2328.1

Updated Information: The Cemetery and Funeral Bureau (Bureau) established examination fee amounts based on the average number of applicants over the preceding four year period divided by the costs of examination development and administration. It was the Legislature's intent that these examinations be self - supporting. The initial license fee and the annual renewal fee were based on staffing ratios required to handle the additional workload to maintain and monitor additional licensees.

The specific requirements of Section 2326.5 regarding approval to share a cemetery manager were written to be consistent with funeral law Title 16 of the California Code of Regulations (CCR) Section 1204(c), which became operative November 30, 1997. The former Cemetery and Funeral Programs (CFP) promulgated regulations to define close proximity and make specific Section 7612.2 of the Business and Professions Code.

The CFP determined that to effectively manage more than one funeral establishment a manager must be physically available, and able to meet with a consumer without them having to wait more than one hour. Given traffic patterns particularly in urban areas, there would be a considerable amount of time required to travel beyond 60 miles. Consequently, the Bureau has determined that 60 miles would be the maximum distance between cemeteries to allow a cemetery manager to effectively manage more than one location.

The rationale for requiring that cemeteries be under common ownership in order to share a manager is due to the liability of the cemetery corporation and the cemetery manager's responsibilities. If a cemetery manager were employed by two different cemetery corporations, managing more than one location would not be effective since the responsible manager could have two unrelated employers which could potentially create a conflict of interest with respect to the manager's obligations.

The Bureau currently only examines cemetery and crematory managers, requiring minimal information for examination scheduling and reporting a designation or change

of manager. Pursuant to Government Code Section 15376, processing times were developed in accordance with existing processing times for these types of requests, and the timeframes established for funeral licensees. Title 16 of the CCR, Sections 1205 and 1208.1 establish processing times for funeral director and funeral establishment license applications. Given current staffing ratios, the Bureau has determined it can inform an applicant within 14 days whether or not their application is deficient or complete, and will approve or deny applications that are deemed to be complete within 30 days for a request to designate or share a manager, and within 60 days for an application for examination or licensure.